

THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
FAMILY COURT DIVISION

IN RE: Consent to Medical Treatment

ADMINISTRATIVE ORDER

18-01

ORDER

It is hereby ordered that when either the Children's Division or Family Court Services is the legal custodian of a child under the jurisdiction of the Family Court Division pursuant to Section 211.031 RSMo., the legal custodian has the authority to consent to any ordinary medical care without judicial action, judicial order or parental consent.

In the event the legal custodian is unable to consent to treatment because the prescribed medical treatment is not ordinary medical care but is extraordinary medical care and the legal custodian believes such treatment is in the best interests of the child, the legal custodian or any party to the action may file a motion, with notice to all parties, requesting an order to consent to such treatment or for any other relief the custodian deems appropriate.

The child's physical custodian may present the child to any hospital or medical facility for emergency treatment in accordance with Section 431.063 RSMo.

With regard to any juvenile who is held in the juvenile court detention, Hilltop, Jackson House, Haley House or any other juvenile court facility but who has not been placed in the legal custody of Family Court Services, the Deputy Juvenile Officers of the Juvenile Officer's Case Assessment Unit shall have the authority to consent to ordinary medical treatment, including but not limited to psychiatric evaluation and treatment and psychological evaluation and treatment. This grant of authority by the Court to the Deputy Juvenile Officers is appropriate under Missouri Supreme Court Rule (MO S.Ct.R.) 127.01, which provides that the Court's jurisdiction attaches at the time the juvenile is taken into judicial custody, and under MO S.Ct.R. 110.04(10), which defines "judicial custody" as "the taking of physical custody of a juvenile by a physician, law enforcement officer or juvenile officer as provided by law, and the retention of physical custody of a juvenile in temporary protective custody, protective custody, or detention".


Pursuant to *In the Interest of L.A.B.*, 479 S.W.3d 182 (E.D. Mo 2015), only the Court may authorize end-of-life medical decisions if necessary.

Family Court Division Policy No. 130-04, "Consent for Medical/Psychological Evaluation and Treatment of Juveniles" is incorporated by reference as though more fully set forth herein.

It is further ordered that Administrative Order 17-04 is hereby set aside and held for naught.

IT IS SO ORDERED.

January 5, 2018  
Date

  
J. DALE YOUNGS  
ADMINISTRATIVE JUDGE  
FAMILY COURT DIVISION

Copies to:

Family Court Administrator

Family Court Judges and Commissioners

Juvenile Officer

Deputy Director, Family Court Services

Family Court Services Directors

Office of the Public Defender

CASA Project

Office of the Guardian Ad Litem

Department of Social Services, Children's Division

Department of Social Services, Division of Legal Services

